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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,926	06/25/2003	Thomas Jon Eade	2003-0122.01	4335

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EXAMINER

NGUYEN, THINH H

ART UNIT PAPER NUMBER

2861

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/603,926

Applicant(s)

EADE, THOMAS JON

Examiner

Thinh H. Nguyen

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-29 is/are pending in the application.
- 4a) Of the above claim(s) 13-27 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28 and 29 is/are allowed.
- 6) ☒ Claim(s) 1,2,8 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 5-7,9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagata US 6,798,995 B2.

Nagata discloses; regarding claim 1, a method for facilitating printing comprising the steps of:

providing to a consumer a first printer containing a fixed amount of imaging substance (as explained in view of figure 9 and the related description an original printer is provided 3/22/2000);

receiving back from the consumer the first printer after a substantial portion of the imaging substance has been used (as explained in view of figure 10 and the related description the imaging substance of the original machine is nearly empty as of 6/7/2000 and is collected 6/9/2000); and

exchanging the first printer with an exchange printer (as explained in view of figure 11 and the related description a new printer is dispatched in place of the original on 6/8/2000).

The imaging substance is contained in a reservoir (6) (column 11, lines 46-48).

Regarding claimed limitation of configuring said first printer to restrict access to said reservoir to authorized personnel, the security precautions are taken to prevent access to unauthorized personnel as explained in column 6, lines 36-39, column 22, lines 24-41 and column 23, lines 32-35. In this context, access to the reservoir is eradicated (denied) when unregistered information is received.

Regarding claim 2, the original machine is pad of a recycle system (column 17, lines 40-41).

Regarding claim 8, the original printer is an inkjet printing mechanism (see MACHINE INFORMATION column in figures 9-11), and the printer is configured to restrict access to the printing mechanism and reservoir to prevent piracy (column 6, lines 36-39).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagata US 6,798,995 82 in view of Hiramatsu et al. US 5,416,395.

Nagata discloses the subject matter of claim 1 as explained in the 35 USC 102 rejection above.

Nagata fails to disclose that the printer is configured to operate in only a single printing mode.

Hiramatsu et al. is pertinent to the inkjet printing art and teaches operating an inkjet printer in a single printing mode for monochromatic printing (column 22, lines 24-38). It would have been obvious to a person of ordinary skill in the printer art to configure the first printer of Nagata to operate in a single printing mode for monochromatic printing as suggested by Hiramatsu et al. The motivation for doing so would have been to provide a simplified, less costly printer since only one color printing clearly eliminates the cost of using other ink colors and doesn't require any additional recording heads for other colors.

5. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagata US 6,798,995 B2 in view of Buibas et al. US 6,827,419 B2.

Nagata discloses the subject matter of claim 1 as explained in the 35 USC 102 rejection above.

Nagata fails to disclose that the first printer is configured to operate on only a single media type of a single size.

Buibas discloses a single media type printer for printing on a single size media (a round compact disk). See particularly figure 28 for the tray configured to hold only a particular compact disk size. It would have been obvious for a person of ordinary skill in

the printer art to employ the method of Nagata with a single size/type media printer as disclosed by Buibas.

The motivation for doing so would have been that the teachings of Nagata are generic to recycling of all printer types and CD printers are useful for CD labeling as indicated by Buibas.

Allowable Subject Matter

6. Claims 28-29 are allowed over the prior art of record.
7. Claims 5-7, 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The following is a statement of reasons for the indication of allowable subject matter: the teaching relied upon by the Examiner do not suggest a secured compartment that contains a reservoir. These limitations are neither suggested nor taught by the prior art of record, alone or in combination as claimed.
9. This application is in condition for allowance except for the presence of claims 13-17 to group I non-elected without traverse. Accordingly, claims 13-27 have been cancelled.

Patent Application Information Retrieval (PAIR)

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Response to Amendment

11. Applicant's Amendment filed June 24, 2005 has been entered and carefully considered. However, arguments with respect to claims 1-2, 8, 10-12 are not deemed to be persuasive.

Applicant contends (claim 1) that Nagata does not disclose, teach, or suggest configuring a first printer to restrict access to the reservoir to authorized personnel.

The Examiner disagreed with this contention. Nagata (col.6, lines 29-39) suggested that gaining access to the reservoir (6) which contains the consumable article is eradicated when unregistered information received.

In response to teaching that the first printer being configured to operate on only a single mode, a single media type of a single size, one cannot show non-obviousness by attacking references individually where, as here, the rejections are based on combinations of references. As discussed in the combined teachings, the Examiner maintained that Hiramatsu's printer configured to operate on a single mode, and Buibas's printer configured to operate on a single media type of a single size. However, Hiramatsu and Buibas do not limit other mode, media type, and size is being employed.

In view of the foregoing reasons, the examiner asserts that all limitations have been properly evaluated and that the rejection as applied remains proper.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Contact Information

Any inquiry concerning this communication should be directed to examiner Thinh Nguyen at telephone number (571) 272-2257. The examiner can generally be reached Mon-Wed, Thursday from 9:00A – 5:00P. The new official fax phone number for the organization is (571) 273-8300. The examiner supervisor, Dave Talbott, can also be reached at (571) 272-1934.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1782.


Thinh Nguyen

September 15, 2005

**Thinh Nguyen
Primary Examiner
Technology Center 2800**